

REMARKS

Applicants thank the Examiner for the very thorough consideration given the present application.

Claims 1 and 3-15 are now present in this application. Claims 1, 8 and 15 are independent. By this Amendment, paragraph [0034] of the main body of the specification is amended, and claim 1 is amended. No new matter is involved.

Reconsideration of this application, as amended, is respectfully requested.

Drawing Objection

The Office Action has objected to the drawings for not showing the feature recited in claim 1 of "projection is provided between a yoke and the yoke line portion." In order to overcome this objection, Applicants have amended claim 1 by changing "between a yoke and" to read - - on - - .Applicants respectfully submit that this amendment to claim 1 overcomes this objection.

The Office Action also objects to the fact that the Figs. 4a and 4b of the drawings do not show numerals 25, 22 and 23, which are described in paragraph [0034]. In order to overcome this objection, paragraph [0034] is amended to delete those numerals.

Reconsideration and withdrawal of these objections to the drawings are respectfully requested.

JTE/RJW/jmb

Rejection under 35 USC §1.112, First Paragraph

Claims 1, 3-7 and 12-14 stand rejected under 35 USC §112, first paragraph, for failing to comply with the written description requirement. This rejection is respectfully traversed.

The Office Action indicates that the language “thickness projection in the body portion of the funnel is provided between a yoke and the yoke line plane” is not disclosed in the specification as originally filed. Applicants respectfully disagree in view of the entire disclosure, including Figs. 1-6. In this regard, Applicants point out that it has been held that drawings alone constitute proper disclosure even if what is shown in the drawings is accidental. See Ex parte Prybil, 156 USPQ 64 (Bd. Pat. App 1967). Moreover, such disclosure is available for all that it teaches one of ordinary skill in the art. See In re Meng and Driessen, 181 USPQ 94 (CCPA 1974) and In re Aslanian, 200 USPQ 500 (CCPA 1979). Applicants respectfully submit that the claim language in issue is clearly shown, for example, in Fig. 6.

Nevertheless, in order to expedite prosecution of the Application, Applicants are amending claim 1 by changing “wherein a thickness projection in the body portion of the funnel is provided between a yoke and the yoke line plane” to read - - wherein a thickness portion in the body portion of the funnel is provided on the yoke line plane - -. Support for this language is found in Applicants’ originally filed disclosure, including Figs. 1-6. Moreover, the Examiner agrees, indicating on page 4 of the outstanding Office Action that the projection is on the yoke line plane. Accordingly, no new matter is involved.

Thus, claim 1, as amended, and dependent claims 3-7 and 12-14, clearly comply with the requirements of 35 USC §112, first paragraph.

JTE/RJW/jmb

Rejection Under 35 U.S.C. §112, Second Paragraph

Claim 1 stands rejected under 35 USC §112, second paragraph for being indefinite. This rejection is respectfully traversed.

The basis for the rejection is that the Office Action does not see how the claimed projection can be disposed between the yoke and the yoke line plane. However, claim 1, as amended, does not contain this feature. Claim 1, as amended, is consistent with the Examiner's statement on page 4 of the Office Action that the projection is on the yoke line plane.

Accordingly, reconsideration and withdrawal of this rejection of claim 1 are respectfully requested.

Rejection Under 35 U.S.C. §102

Claims 1, 3-6 and 12-14 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,155,411 to Swank et al. ("Swank"). This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

During patent examination, the PTO bears the initial burden of presenting a *prima facie* case of unpatentability. In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992); In re Piasecki, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984). This burden can be satisfied when the PTO presents evidence, by means of some teaching, suggestion or inference either in the applied prior art or generally available knowledge, that would have appeared to have suggested the claimed subject matter to a person of ordinary skill in the art or

JTE/RJW/jmb

would have motivated a person of ordinary skill in the art to combine the applied references in the proposed manner to arrive at the claimed invention. See Carella v. Starlight Archery Pro Line Co., 804 F.2d 135, 140, 231 USPQ 644, 647 (Fed. Cir. 1986); Ashland Oil, Inc. v. Delta Resins & Refractories, Inc., 776 F.2d 281, 293, 227 USPQ 657, 664 (Fed. Cir. 1985), cert. denied, 475 U.S. 1017 (1986); In re Rinehart, 531 F.2d 1048, 1051-1052, 189 USPQ 143, 147 (CCPA 1976).

If the PTO fails to meet this burden, then the Applicants are entitled to the patent. However, when a *prima facie* case is made, the burden shifts to the Applicants to come forward with evidence and/or argument supporting patentability. Patentability *vel non* is then determined on the entirety of the record, by a preponderance of evidence and weight of argument, *Id.*

A prior art reference anticipates the subject matter of a claim when that reference discloses every feature of the claimed invention, either explicitly or inherently. In re Schreiber, 128 F.3d 1473, 1477, 44 USPQ2d 1429, 1431 (Fed. Cir. 1997) and Hazani v. Int'l Trade Comm'n, 126 F.3d 1473, 1477, 44 USPQ2d 1358, 1361 (Fed. Cir. 1997). While, of course, it is possible that it is inherent in the operation of the prior art device that a particular element operates as theorized by the Examiner, inherence may not be established by probabilities or possibilities. In re Oelrich, 666 F.2d 578, 581, 212 USPQ 323, 326 (CCPA 1981) and In re Rijckaert, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993).

Claim 1, as amended, positively recites a combination of features, including wherein a thickness projection in the body portion of the funnel is provided on the yoke line plane and said panel and said funnel satisfy: $USD/PT \geq 2.5$, wherein USD is a diagonal length of an effective

JTE/RJW/jmb

screen of the panel, and PT is a distance between a central point of an inner surface of said panel and the yoke line plane.

Claim 1, as amended, is clearly not anticipated by Swank. In this regard, the Office Action dated April 27, 2006 states that the prior art of record neither shows nor suggests a CRT wherein the funnel satisfies $USD/PT \geq .5$, wherein USD is a diagonal length of an effective screen of the panel, and PT is a distance between a central point of an inner surface of said panel and the yoke line plane, and the other features of claim 1.

Accordingly, claim 1, as amended, is not anticipated by (nor rendered obvious by) Swank. Claims 3-6 and 12-14 also depend from claim 1 and patentably define over the applied art at least for this reason.

Reconsideration and withdrawal of this rejection of claims 1, 3-6 and 12-14 are respectfully requested.

Rejections under 35 U.S.C. §103

Claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Swank in view of U.S. Published Patent Application 2002/0185959 to Sugawara et al. This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

Claim 7 depends from claim 1 and is patentable at least for the reasons discussed above regarding the patentability of claim 1.

JTE/RJW/jmb

Further, the Office Action admits that Swank's projection (glass quantity 42) does not increase in thickness going from the neck portion to the seal line plane. In order to remedy this deficiency, the Office Action turns to Sugawara. Whereas Swank disclosed a circa 1991 curved display faceplate panel type CRT, Sugawara discloses a circa 2001 flat display faceplate panel type CRT.

Sugawara's funnel thickness is specified only in terms of a thickness range in paragraph [0015] and the specific thickness taper of Sugawara's funnel wall shown in Figs. 1 and 3 is not mentioned in the specification (main body or claims portion). So, any disclosure of this taper may be due to draftsperson license.

In any event, the reason that Swank, the main reference, provides the thickened glass ring, is to absorb x-rays that are not absorbed by the short yoke. Sugawara has nothing to do with this issue. So the fact that Sugawara shows a particular CRT funnel thickness taper is not relevant to this issue and one of ordinary skill in the art would not be motivated to look to Sugawara to modify an x-ray absorber thickness profile, especially when Sugawara does not even discuss a specific taper in its specification.

Moreover, because electron intensity generally falls off with distance from an electron source, x-ray emission will probably fall off with distance, also. As a result, it would appear logical to reduce the thickness of the funnel body/wall projection the farther one goes away from the electron beam source.

Additionally, even if it were obvious to modify Swank to include the gradual thickness feature recited in claim 7, it would not have the projection feature, as recited.

JTE/RJW/jmb

Accordingly, the Office Action fails to make out a *prima facie* case of proper motivation to one of ordinary skill in the art to modify Swank, as suggested.

Reconsideration and withdrawal of this rejection of claim 7 are respectfully requested.

Allowed Subject Matter

Applicants thank the Examiner for the allowance of claims 8-11 and 15.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Robert J. Webster, Registration No. 46,472, at (703) 205-8076, in the Washington, D.C. area.

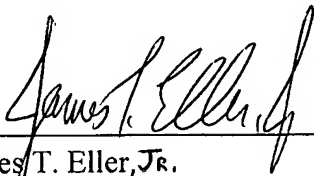
Prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Date: February 13, 2007

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By: 
James T. Eller, Jr.
Reg. No.: 39,538

JTE/RJW/jmb

P.O. Box 747
Falls Church, Virginia 22040-0747
Telephone: (703)205-8000

JTE/RJW/jmb